

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CALVIN K . PHILLIPS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:19 CV 2656 SNLJ
)	
PENNYMAC LOAN SERVICES, LLC,)	
et al.,)	
)	
Defendants.)	

MEMORANDUM and ORDER

This matter is before the Court on review of the file. The Eighth Circuit has admonished district courts to “be attentive to a satisfaction of jurisdictional requirements in all cases.” *Sanders v. Clemco Indus.*, 823 F.2d 214, 216 (8th Cir. 1987). “In every federal case the court must be satisfied that it has jurisdiction before it turns to the merits of other legal arguments.” *Carlson v. Arrowhead Concrete Works, Inc.*, 445 F.3d 1046, 1050 (8th Cir. 2006). Defendant PennyMac Loan Services, LLC, removed this case from state court based on diversity jurisdiction. *See* 28 U.S.C. § 1332(a). ““For a party to remove a case to federal court based on diversity jurisdiction, the parties must be diverse both when the plaintiff initiates the action in state court and when the defendant files the notice of removal in federal court.”” *Reece v. Bank of New York Mellon*, 760 F.3d 771, 777 (8th Cir. 2014) (quoting *Chavez-Lavagnino v. Motivation Educ. Training, Inc.*, 714 F.3d 1055, 1056 (8th Cir. 2013)).

The Notice of Removal in this case asserts that the Court has jurisdiction over the action pursuant to 28 U.S.C. § 1332 because the lawsuit is between citizens of different States and the matter in controversy exceeds the sum of \$75,000. However, defendant's Notice of Removal alleges plaintiffs are "residents" of Missouri, not citizens. That is insufficient for purposes of determining whether diversity jurisdiction exists. *See Reece*, 760 F.3d at 777-78. As the party removing the case and invoking the Court's jurisdiction, defendant must clearly allege the citizenship of all parties, both when plaintiff initiated the action and when defendant filed the notice of removal.

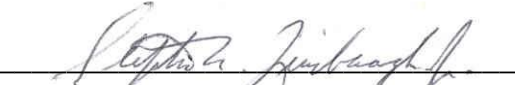
Accordingly,

IT IS HEREBY ORDERED that by May 19, 2021, defendants shall file an amended notice of removal in accordance with this memorandum.

IT IS FURTHER ORDERED that if defendants do not timely and fully comply with this order, the case will be remanded to the state court from which it was removed for lack of subject matter jurisdiction.

IT IS FURTHER ORDERED that all other proceedings in this case are **STAYED** pending further order of this Court.

Dated this 11th day of May, 2021.


STEPHEN N. LIMBAUGH, JR.
SENIOR UNITED STATES DISTRICT JUDGE